THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22943 of 2006

Order:

The petitioner claims that he is working as Watchman with the respondents-BSNL for the last six years, and has completed 240 days of continuous service in a year, and therefore, he is entitled for regularization of his services, but the action of the respondents-BSNL in not regularizing his services, though the services of similarly situated casual labour were regularized, is illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-BSNL.

By this writ petition, the petitioner is seeking to regularize his services on the ground that he is working as Watchman for the last six years and has completed 240 days of continuous service in a year. His further case is that the services of similarly situated casual labour were regularized. The issues, raised in this writ petition, namely, whether the petitioners is working as Watchman in the respondents-Organisation, and if so, whether he has completed 240 days of continuous service in a year; whether the services of the similarly situated casual labour were regularized and whether petitioner is also entitled for regularization on par with similarly placed persons, are all disputed questions of fact, which can be decided only after adducing evidence by the parties, and this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot decide the same based on the averments made in the writ affidavit.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to approach the appropriate forum provided under law. No costs.

N.V. RAMANA, J.

Date: 09th October 2007
Ksr/Nsr